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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/589,414

08/15/2006

Akinari Takada

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8192

24978 7590 07/07/2009

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EXAMINER

COLLINS, JASON M

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

07/07/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/589,414             | TAKADA, AKINARI     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | JASON COLLINS          | 2833                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009 and 22 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 8, 12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/08 and 4/13/09</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/13/09 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-7, 9-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al.

The timepiece of Ihara comprises a receiving means 1C, a timekeeping means 1E, a display means 2, a control means (the connection between the processor 1E and the display 2), an external input means 1M, and a storage means 1E. Different first S22 and second S24 receiving methods are established. Ihara does not specify whether these receiving operations are time-programmed or forced. However, both methods are well known and commonly used (both separately and sequentially) in radio controlled time pieces. These broad terms, in fact, describe all receiving operations. Therefore, it would have been obvious to have the receiving operations of Ihara be of these types. In regard to claim 2, it is noted that the local station is set to be used with the first receiving

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method (paragraph 28); given different distances and other conditions, it is inherent that the receiving success would be different from different stations.

Regarding claims 1-5, Ihara does not specifically disclose that the number of stations it attempts to receive is based on the operation mode.

At the time of the invention it would have been obvious to one of ordinary skill in the art to attempt to receive more radio stations when the user is directly operating it (forced reception mode) then when the user has previously arranged for the device to attempt to receive stations at a later point (time programmed mode). In the time programmed mode the user may or may not be using the device at the specified time for the reception of radio signals to occur where as in the forced operation mode it is inherent that the user is operating an external input means and wishes to make use of the device. Therefore one having skill in the art would have been motivated to limit the number of attempts to receive in the time programmed mode in the event where there was no user present to make use of the device for the reason that this would save the power of the device in the absence of a user. In the event of the forced operation there is always a user present and therefore limiting of the number of attempts is less useful.

Regarding claims 6, 7, 9-11 and 13, Ihara discloses altering the numbering of trials for reception. It would have been obvious to one skilled in the art that in the absence of a user at the predetermined time, the time programmed attempts to receive signals would occur needlessly and therefore would have been motivated to reduce the number of trials in the time programmed mode relative to the forced mode.

***Allowable Subject Matter***

4. Claims 8, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed 4/13/09 and further on 6/22/09 have been fully considered but they are not persuasive. Applicant argues that Ihara does not specifically disclose varying the number of signals attempted to receive based on the operation mode of the device. This appears to be true. However, applicants arguments that device of Ihara does disclose saving power are not persuasive. Ihara teaches varying the number of signals attempted to receive based on how much power consumption is acceptable. One of ordinary skill in the art would have found it obvious to attempt more receiving operations in the forced mode based on the teachings of Ihara.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON COLLINS whose telephone number is (571)270-3994. The examiner can normally be reached on Monday through Thursday 7am-4pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Collins  
7/04/09

/Truc T. T. Nguyen/  
Primary Examiner, Art Unit 2833